

Special and Regular Meeting Tuesday, October 26, 2004
Twin Pines Senior and Community Center

SPECIAL MEETINGS

CLOSED SESSION - TIME - 7:00 P.M.

- A. Conference with Real Property Negotiator, Public Works Director Davis, Pursuant to Government Code Section 54956.8, for Property Located at 700 Island Parkway (APN# 040 360 400)

Attended by Councilmembers Feierbach, Mathewson, Warden, Metropulos, Interim City Manager Rich, Public Works Director Davis, San Mateo County Right-of-Way Agent Joe Napoliello, and City Attorney Savaree. City Clerk Cook was excused from attending. Councilmember Bauer was absent.

ADJOURNMENT at this time, being 7:30 P.M., this Closed Session was adjourned.

This meeting not tape-recorded or videotaped.

Terri Cook
City Clerk

CALL TO ORDER - 7:35 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Warden, Feierbach, Mathewson, Metropulos

COUNCILMEMBERS ABSENT: Bauer

Staff Present: Interim City Manager Rich, City Attorney Savaree, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

PLEDGE OF ALLEGIANCE

Led by City Clerk Cook.

REPORT FROM CLOSED SESSION

Mayor Metropulos announced that direction was given but no action taken during the Closed Session held earlier.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Denny Lawhern, President, Belmont Historical Society, stated that the now-demolished Belmont Library was dedicated as the Wally Benson Library in 1962, and local and State legislators were in attendance at the dedication. He clarified that there had been no official City action relative to this dedication, and the plaque was removed on or about the time of a library remodel in 1981. He requested that anyone knowing the whereabouts of the plaque to contact the History Room.

Carol Hatfield, Friends of Belmont Library (FOBL), thanked the Belmont Rotary Club and Vivace Restaurant for sponsoring the recent fundraising dinner for the Library. She announced

that FOBL and M is for Mystery Bookstore would be hosting an Author Night featuring Belmont-raised John Lescroart, author and musician, on November 8 at 7:15 p.m.

Willetta Stevenon, Emmett Street, expressed concern for the delay in the application process for Caprino's Restaurant's permit for live music. She noted that she invested in commercial property starting in 1970, and at that time, Belmont was like Carmel, but had gone downhill since. She also noted that other Belmont establishments have music.

Community Development Director Ewing responded that he would provide Council with a schedule for the permit application.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Warden reminded people to vote on November 2.

Mayor Metropulos announced that an absentee ballot box was available in the City Clerk's Office, and outlined various web sites for receiving election information. He also announced that he had visited the third grade class at Nesbit School.

Councilmember Feierbach encouraged people to attend Notre Dame de Namur University's premier production of "Dead Man Walking".

Councilmember Mathewson noted that the November Planning Commission meeting would be moved from Tuesday to Wednesday, due to Election Day.

AGENDA AMENDMENTS

Councilmember Feierbach requested the removal of Item 4-D (Resolution Amending Lease Agreement with AT&T Wireless for Communications Site Lease at the Belmont Sports Complex), and Councilmember Mathewson requested the removal of Items 4-H (Resolution Granting a Hauling Permit for 2625 Monte Cresta Drive in Vehicles Exceeding the Maximum Gross Weight Allowed by the City Ordinance) and 4-I (Resolution Granting a Hauling Permit for 525 Kingston Road in Vehicles Exceeding the Maximum Gross Weight Allowed by the City Ordinance) for separate consideration.

CONSENT CALENDAR

Approval of Minutes of Regular Meeting September 14, 2004, Special Meeting of September 27, 2004, and Special and Regular Meeting of September 28, 2004.

Approval of Resolution 9599 Authorizing Application to the Director of Industrial Relations, State of California for a Certificate of Consent to Self Insure Workers' Compensation Liabilities

Approval of Resolution 9600 Approving a Permanent Encroachment Agreement for Construction of a Retaining Wall within the Public Right-of-Way at 2014 Mezes Avenue

Approval of Resolution 9601 for the Authorization to Apply for Transportation Development Act Article 3 Program Funds Administered by the City/County Association of Governments in the Amount of \$500,000 for the Purchase of Right-of-Way and the Construction of the U.S. Highway 101 Bicycle/Pedestrian Bridge Project, City Contract Number 433

Approval of Resolution 9602 for the Authorization to Apply for Congestion Mitigation and Air Quality Funds Administered by the Metropolitan Transportation Commission in the Amount of

\$1,000,000 for the Purchase of Right-of-Way and the Construction of the U.S. Highway 101 Bicycle/Pedestrian Bridge Project, City Contract Number 433

Acceptance of Police Department/City Hall Project - October Monthly Update

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Mathewson, the Consent Calendar, as amended, was unanimously approved by a show of hands (4-0, Bauer Absent).

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Amending Lease Agreement with AT&T Wireless for Communications Site Lease at the Belmont Sports Complex

Councilmember Feierbach stated that the site has not been well maintained, that trees have died, and there is graffiti. She noted that the Planning Commission expressed this concern as well. City Attorney Savaree responded that this amendment references those issues and will require abatement as a condition of approval.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Mathewson, **Resolution 9603** Amending Lease Agreement with AT&T Wireless for Communications Site Lease at the Belmont Sports Complex was unanimously approved by a show of hands.

Resolution Granting a Hauling Permit for 2625 Monte Cresta Drive in Vehicles Exceeding the Maximum Gross Weight Allowed by the City Ordinance.

- AND -

Resolution Granting a Hauling Permit for 525 Kingston Road in Vehicles Exceeding the Maximum Gross Weight Allowed by the City Ordinance.

In response to Councilmember Mathewson, Public Works Director Davis clarified that residential streets are designed to withstand the weight of larger trucks, but not high frequency. He confirmed that South Bay Waste Management Authority and other cities within the County were discussing the possibility of road impact fees for garbage trucks.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Mathewson, **Resolution 9604** Granting a Hauling Permit for 2625 Monte Cresta Drive in Vehicles Exceeding the Maximum Gross Weight Allowed by the City Ordinance, and **Resolution 9605** Granting a Hauling Permit for 525 Kingston Road in Vehicles Exceeding the Maximum Gross Weight Allowed by the City Ordinance was unanimously approved by a show of hands (4-0, Bauer absent).

HEARINGS

Public Hearing to Consider a Resolution for Vacating Two Slope Easements, a Portion of Belmont Canyon Road and a Portion of a Path Right-of-Way, Over, Across, and Fronting the Properties at 2200, 2230, and 2260 Ralston Avenue (APN 044-260-170, 044-260-210, and 044-260-220).

City Engineer Phalen stated that the property lot lines were incorrect at the time this 3-lot subdivision was approved in 2001. She noted that the engineer's drawings submitted by the applicant at the initiation of this minor subdivision in 1993 contained a 30-foot error. It was

misunderstood that Ralston Avenue encroached on a portion of these properties, and that a subsequent land swap was presumed as a corrective measure. The land swap was never finalized, and the property was sold and approved for development. Upon the recent sale of the property, a title report confirmed that the lot lines had never been adjusted. She stated this action would correct this oversight.

City Engineer Phalen also gave a history of the slope easement and its restriction on development.

In response to Council questions, City Engineer Phalen stated that a quitclaim deed for the portion of the property owned by the County was under submission for approval by the County Board of Supervisors.

Mayor Metropulos opened the Public Hearing. No one came forward to speak.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Warden, the Public Hearing was unanimously closed by a show of hands (4-0, Bauer absent).

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Warden, **Resolution 9606** Vacating Two Slope Easements, a Portion of Belmont Canyon Road and a Portion of a Path Right-of-Way, Over, Across, and Fronting the Properties at 2200, 2230, and 2260 Ralston Avenue (APN 044-260-170, 044-260-210, and 044-260-220) was unanimously approved by a show of hands (4-0, Bauer absent).

Public Hearing to Consider Amendments to Chapter 7, Belmont Municipal Code, Article XI, Property Maintenance and Abatement of Property Nuisances, Sections 7-401:7-500.

City Attorney Savaree stated that the proposed amendments to Chapter 7 were the result of previous Council direction and public testimony. She reviewed the changes, and noted that they addressed issues related to trash cans, the storage of vehicles on private property, including recreational vehicles, inoperable or broken appliances, machines, tools, and other property items. She outlined options available for Council consideration regarding the allowance or prohibition of the storage of recreational vehicles in side yards, with or without screening.

City Attorney Savaree also outlined other provisions addressed in this amended ordinance, including unfinished permitted projects, unoccupied and unsecure buildings, storage containers on private property over 14 days, fences and walls, and signs for products or services no longer offered.

City Attorney Savaree reviewed the provisions for fees and fines, and outlined the comments previously submitted by the public.

Mayor Metropulos opened the Public Hearing. He noted that due to the high volume of speaker slips, he would limit public comments to one minute each.

Don Last, San Ardo Way, stated that he stores his RV off site most of the year, and only brings it home when preparing for a trip. He noted that it is always parked off road when at his home.

Sanns Gunter, Monserat Avenue, stated that he parks his RV on a cemented area on his property, and he cannot afford storage.

Robert Parker, Plateau Drive, commented that the amount of time allotted for trashcans in public view was too short. He stated that he would support parking on private property as long as it was not restricting the sidewalk.

Chris Christensen, Highlands Court, stated that he purchased a camper to fit in his driveway.

Linda Gularti, Lincoln Avenue, stated that firewood should not be considered a nuisance, and agreed to the requirement to remove overgrown weeds. She noted that rats live in ivy and junipers.

Bonnie Schrier, Ponce Avenue, stated the lack of affordable storage was a financial burden, and she was in favor of protecting rights.

Hubert Hyde, Tahoe Drive, stated that he installed a pad and fence to store his trailer. He did not agree that parking of RV's affected property rights.

Bob Korsan, Lyon Avenue, stated that in the event of an earthquake, an RV would provide a safety net as it gave access to water and cooking. He noted that property rights should be protected, not restricted, and that storage was expensive.

Wes Dong, Miramar Terrace, stated that he stores his boat at Pillar Point, and that he brings it home for maintenance, where he has access to tools. He noted his opposition to prohibiting RV's on private property.

Silas Kwok, Valdez Avenue, stated that his boat fits in his driveway.

Carol Hatfield, Lincoln Avenue, stated that zoning restrictions for aesthetic reasons was unconstitutional, and were permitted for safety reasons only. She commented that this issue does not affect property values.

Kirk Van Ulden, Lincoln Avenue, stated that he owns two boats, and that this issue was about common sense and decency. He did not think this would affect property values.

Jon Shulenberger, Hillcrest Drive, stated that he has stored an RV on a cement pad behind a fence at his home for many years and has never had a complaint. He agreed an RV should not block the right-of-way or be a safety hazard for pedestrians and children. He noted that off-site storage is a financial burden for some.

Judi Allen, Alameda de las Pulgas, stated that her RV does not extend into the sidewalk. She commented that this issue was the result of complaints about one RV, and that mediation should be used to resolve this issue.

Robert Richards, Encline Way, stated that he agreed with the other speakers. He noted that this issue is as subjective as a tree that provides shade and aesthetics, but some may view them as messy with leaves to clean up.

John Kittermaster, Lyall Way, thanked the Council for dealing with this issue. He spoke about the many boats and trailers parked on his street, which are moved around in conformance with the 72-hour parking restriction, but reappear again.

Warren Gibson, E. Laurel Creek, presented photos (on file in Clerk's Office) of a number of RV's and trailers on private property, and commented that they are an eyesore, a detriment to property values, and a safety hazard. He recommended the alternate language presented by staff, with the potential for more restrictive language at a future date.

Juris Blukis, Monte Cresta, stated that this issue has created divisiveness and contentiousness among neighbors. He suggested using peer pressure to deal with the issue, since people may respond better to their neighbors rather than a letter from the City. He presented additional written comments (on file in Clerk's Office).

Risa Horowitz, Ralston Avenue, stated that a win-win solution was needed for this issue. She suggested restricting parking of RV's on the street for extended periods of time. She clarified that short-term parking could be permitted, and then require the owner to move them.

Pam Clarke, Director, Merry Moppet/Belmont Oaks Academy, Carlmont Drive, stated that Carlmont Drive has become a storage space for trailers and RV's, they take up more than one parking space, and are not moved often.

Don Robertson, Bayview Avenue, stated that his neighbors are not aware he owns an RV, which is parked out of view in his backyard. He commented that the police should determine whether the vehicles are parked illegally.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Warden, the Public Hearing was unanimously closed by a show of hands (4-0, Bauer absent).

Councilmember Feierbach stated that she supported the desire to retain parking on private property, and that she did not support permitting trailer and RV parking on the street. She added that she would support street parking if preparing for a trip, and that private parking should not extend into the right of way. In response to her question regarding the parking issue on Lyall Way, City Attorney Savaree clarified that the ordinance addresses property maintenance only, and that on-street parking could be addressed with future revisions to the parking ordinance.

Councilmember Warden stated that he would support off-street parking only, and agreed that parking of trailers and RV's should not be permitted on the sidewalk or to extend into the right of way.

Councilmember Mathewson stated that he supported private parking with no extension into the right of way, and noted that some vehicles hang over into the street. He noted that the police department and code enforcement should enforce existing parking regulations. He would support future street parking restrictions. He stated that the time allowed for trashcans in public view should be restricted, and supported moving the time earlier the day before trash day. He noted that the issue of ivy should be addressed, as well as clarity on definitions. He requested the inclusion of airplanes in the list of property items as outlined in the ordinance.

Mayor Metropulos stated that residents have a right to park on their property. He agreed with the comments regarding peer pressure. He noted that people do not own the street in front of their house, although some people think they do. He supported parking restrictions if vehicles extend into the right-of-way, and was concerned about site distance and safety. He concurred with the earlier time for trashcans.

Discussion ensued.

City Attorney Savaree stated that the right-of-way often extends into front yards, and suggested using edge of pavement or site distance as a measure. She reviewed the changes that would be made to the ordinance, including changing the time for trashcans, adding recycle bins to definitions, and adopting the alternate language for RV's to address blocking the sidewalk and site distance.

Council concurred that the language addressing side yards should be stricken since private property parking was not going to be restricted, as well as the addition of airplanes to the list of property items.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Mathewson, and unanimously approved by a show of hands (4-0, Bauer absent) to introduce by title an ordinance amending Chapter 7, Belmont Municipal Code, Article XI, Property Maintenance and Abatement of Property Nuisances, Sections 7-401:7-500, waive further reading, and set the second reading and adoption for November 9, 2004.

RECESS: 9:10 P.M.

RECONVENE: 9:25 P.M.

OLD BUSINESS

Discussion and Direction on Residential Permit Parking in the Area of Carlmont High School

Public Works Director Davis gave a history of parking issues in the area of Carlmont High School. He noted that the Police Department and the Carlmont staff were addressing concerns. He noted that staff received an 86 percent response rate to a survey sent to neighbors regarding permit parking. He reviewed the results, and noted that the highest level of support was 50 percent on one block of one street. He also reviewed the cost for enforcement and signage, if a system were to be implemented, and he reviewed the results of the survey regarding paid permits. He noted that there was support up to \$40, and that there would be fiscal impact if subsidized.

In response to Councilmember Feierbach, Public Works Director Davis stated that the date for tonight's meeting was noted in the initial survey letter to the residents.

Frank Markovitz, Chula Vista, stated that cars have always parked on the street during school hours, and were never a problem. He does not understand what the issue is, and there is plenty of street parking. He added that he knew the high school was there when he purchased his home.

Lou Bono, El Verano Way, stated that at one time the high school population less than 1,000 students, which has now doubled. He noted that he cannot have guests at his home during the day, and that his disabled sister has nowhere to park. He commented that the students are cooperative, but that this was a quality of life issue.

Suzan Mannisto, Chula Vista Drive, stated that the parking problem has occurred during the last three years of school construction. She supported permit parking on a trial basis. She noted that the neighborhood has become the parking lot for school, and feels the permits would be a disincentive.

Chris Wozniak, Solana Drive, stated that some residents did not receive the survey, and neighbors were not notified of tonight's meeting. She noted that the school should take care of its parking needs, and that other cities have permit parking around their schools.

Patrick Gemma, St. James Road/Sequoia Superintendent of Schools, acknowledged that Carlmont has an on-campus parking problem needing resolution. He stated that the school and the district have heard the neighbors, and understand the issue, and will attempt to find more on-campus parking. He commented that the issue is the result of an increase in enrollment, not a lack of parking.

Wendy Goeking, San Carlos resident/Vice-President of PTSA at Carlmont, stated that public transportation has been reduced along with the increase in enrollment, and that students cannot carpool because of differing schedules.

Bobbi Bazzani, El Verano Way, stated that she was speaking on behalf of Carlmont. She stated that students and parents have been educated regarding the concerns of the neighborhood, and students have been asked to be polite and remove trash. She noted that a nearby church has offered parking if the school would repave the parking lot, but clarified that public funds could not be used for this purpose.

Woody Shackleton, St. James Road, stated that the parking problem is the result of Carlmont's success, that the school has been a good neighbor, and suggested convening a committee to solve the problem creatively. He noted that a number of on-campus areas are available for parking.

Rosanne Robertson, Valdez Avenue, stated that parking is only a problem on Graduation Day. She added that the school has been at this location for 50 years.

Councilmember Feierbach stated that the level of neighborhood support for permit parking was not high enough to warrant implementation, and suggested continuing to work with the school to seek solutions.

Councilmember Warden stated that parking is an issue, and although some streets support permit parking, it does not meet the two-thirds threshold for implementation. He suggested finding funds to pay for paving the church parking lot as requested.

School Resource Officer Stenquist stated that students pay for parking at another church, that more are willing to pay, but there are not enough spaces.

Discussion ensued regarding the potential to create additional parking on Alameda.

Public Works Director Davis stated that he was a parking and traffic expert and was willing to offer his services to Carlmont High School to design additional on-site parking.

Mayor Metropulos stated that permit parking was not a win-win solution, that the neighbors were tolerant of the situation, and that the school and district staff were working on the issue. He noted that restrictions for young drivers limited their ability to carpool. He supported staff assistance with the on-site parking issue, and supported forming a committee with a goal to solve the problem.

Interim City Manager Rich stated that staff would provide followup to Council regarding this issue.

RECESS: 10:00 P.M.

RECONVENE: 10:07 P.M.

NEW BUSINESS

Discussion and Direction on Parking on Curves throughout the City of Belmont

Public Works Director Davis reviewed the current process through the Traffic Safety Committee (TSC) for requesting parking restrictions. He noted that a city-wide policy of using safe site distance approach of 150 feet could be implemented, but noted that 1200 parking places would

be eliminated as a result, and costs included painting of red curbs and signage, plus annual maintenance. He reviewed the locations for potential implementation.

Councilmember Feierbach stated that residents have expressed frustration with the TSC process, and noted Belmont Canyon Road has been an issue since 1992. She stated that a number of blind curves are a problem and suggested a double yellow line as a solution. She recommended that someone other than TSC staff should review requests. She noted that North Road was another problem area.

Councilmember Warden supported proactivity for some streets such as Belmont Canyon Road.

Councilmember Mathewson suggested adding lay members to the TSC.

Public Works Director stated that he would support that recommendation if desired. Interim City Manager Rich noted that the TSC is comprised of technical staff, and lay people could change the scope of the committee. He suggested a future public works commission could address this issue via an appeal process.

Councilmember Warden stated he would support an appeal process that would interject community values into the decision, but was concerned regarding the cost.

Mayor Metropulos stated that he supported implementation on the two streets, Belmont Canyon and North Roads, and supported an appeal process.

John Boykin, San Juan Boulevard, requested inclusion of San Juan Boulevard. He noted that a street is public right-of-way, not private property. He also noted that other factors should be considered for parking restrictions, such as glare, and the priority should be given to curves.

MEETING EXTENSION: On a motion by Councilmember Warden, seconded by Councilmember Mathewson, the meeting was unanimously extended by 30 minutes (4-0, Bauer absent).

Hartley Laughead, Lincoln Avenue, stated that a former Public Works Director would assess a red curb request, and paint it if he felt it appropriate.

Councilmember Feierbach suggested adding San Juan Boulevard to the list of streets to review. Public Works Director Davis recommended the current TSC process for this street.

Status Report for Accepting Anonymous Complaints for Reporting Code Enforcement Violations

Code Enforcement Officer Buckman stated that since the inception of this program, his office experienced a 280 percent increase in the volume of calls as compared with the same period of time in the previous year. He noted that people are more comfortable with the anonymous process, but noted that some people do not leave enough information for staff followup. He clarified that staffing and budgetary constraints limit proactive enforcement of code enforcement violations, but noted Council's support of proactivity.

Councilmember Feierbach suggested the outgoing anonymous complaint message provide a timeline for when staff would be able to respond, and recommended the use of volunteers to help with the process. Code Enforcement Officer Buckman responded that the outgoing message utilizes the maximum time allotted, and there are liability issues related to the use of volunteers.

Linda Gularti, Lincoln Avenue, stated that this system causes bad feelings against neighbors, and suggested that neighbors should talk to the person first. She noted that it is easy to pass a problem to someone else to resolve.

In response to Councilmember Feierbach, Code Enforcement Officer Buckman clarified that a complainant's name is never released unless ordered by the Court.

Councilmember Warden stated that some neighbors are not comfortable with confrontation, and many people do not realize they are violating the code. He stated this has been a beneficial program. Councilmember Feierbach stated she also supported making this program permanent.

Councilmember Mathewson stated that he would support the use of volunteers.

In response to Mayor Metropulos, Code Enforcement Officer Buckman clarified that when approached, many violators were not aware of the offense, and most violations were correct.

John Boykin, San Juan Boulevard, supported making this program permanent. He agreed it is difficult to confront a neighbor with a violation. He stated that the criteria is easy to set up, and the message should be clear that the complainant's name remains confidential, if given.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Warden, and unanimously approved by a show of hands (4-0, Bauer absent) to make anonymous code violation complaints a permanent policy.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Status of the extended landscape to be planted at AM/PM (Feierbach).

Councilmember Feierbach stated she was seeking clarification regarding this situation, as well as probable solutions. Interim City Manager Rich stated there was a communication issue between Arco and the property owner, that this has become a code enforcement issue, and there is a violation of conditions of approval. He clarified the City Attorney is involved.

Public Works Director Davis clarified that Arco would like to complete the work, but the property owner needs to complete the encroachment permit process first. He noted that Council would be kept apprised of the progress.

ADJOURNMENT at this time, being 11:00 P.M.

Terri Cook
Belmont City Clerk

Meeting Tape Recorded and Videotaped
Tape Number 592